IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.2232 of 2007

Pratap Tukaram Godse. ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr A. M. Saraogi for the applicant.
Ms M.M. Deshmukh APP for the State.

CORAM: V.C. DAGA,J.
DATED: 12TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and material available on record.

3. By consent of the parties the order dated 20.6.2007 passed by the Additional Sessions Judge, Greater Bombay is set aside, since learned Additional Sessions Judge in para 6 of the said order has erroneously observed that mere filing of the charge sheet will not amount to change in circumstance. Law is well settled that filing of the charge sheet amounts to change in circumstance.

4. In the above view of the matter, the application No. 903 of 2007 is restored to the file of Additional Sessions Judge, Greater Bombay. He is expected to consider the bail application of the accused in the light of what is stated hereinabove. As such he is directed to reconsider Bail Application No. 903 of 2007 treating the filing of the charge sheet as a change in circumstance. He should decide the same on its own merits after going through the charge sheet. All rival contentions are kept open.

5. Application is disposed of in terms of this order.

(V.C. DAGA,J.)